

REMARKS

I. General

Claims 1-19 stand pending in the present Application. The Final Office Action dated November 7, 2005 (hereinafter Office Action) objected to claims 11-16, rejected claims 1-6, 8-10, and 17-19 as being unpatentable over 35 U.S.C. § 102, and rejected claim 7 under 35 U.S.C. § 112. Applicant requests reconsideration and withdrawal of the objections and rejections of record in light of the remarks contained herein.

II. 35 U.S.C. § 112 Rejection of Claim 7

Claim 7 stands rejected under 35 U.S.C. § 112 for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states "Claim 7, line 2 the recitation of 'said postage storage device' lacks antecedent basis." Office Action Page 4. However, in the Amendment filed August 17, 2005, Applicant amended claim 7 to recite "a postage storage device." Therefore, Applicant respectfully requests withdrawal of the rejection of record because Applicant believes that the basis set forth in the present Office Action for objecting to claim 7 is inaccurate and improper. Moreover, as claim 7 does not stand rejected over the applied art, claim 7 should be indicated as allowable.

III. Objections of Claims 11-16

Claims 11-16, although indicated as objected to in the Office Action Summary, are not specifically addressed within the body of the Office Action. Applicant presumes that these claims stand objected to as depending from a rejected base claim, but would stand allowed if rewritten in independent form to include the limitations of the base claim and any intervening claims. If Applicant's presumption is incorrect, Applicant respectfully requests that the Examiner set forth the basis for the objection so that Applicant may have a full and fair opportunity to respond. See M.P.E.P. § 707.

IV. 35 U.S.C. §102 Rejections of Claims 1-6, 8-10, and 17-19

A. General

Claims 1-6, 8-10, and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Block, United States Patent No. 6,010,156 (hereinafter *Block*). Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

Although Applicant does not concede that *Block* is prior art to the present claims, Applicant has set forth arguments distinguishing the pending claims over the disclosure of *Block* because it is believed that such clear distinctions will result in the expeditions issuance of the present claims. However, Applicant expressly reserves the right to contest the availability of *Block* as prior art.

B. Prima Face Case for Anticipation

It is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. §102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections do not satisfy one or more of these requirements, as detailed below.

C. Independent Claim 1

Independent claim 1 recites “to substantially *simultaneously* print a plurality of postage meter stamps on said sheet” (emphasis added). *Block* does not teach printing a plurality of meter stamps substantially simultaneously. The Office Action states that *Block* has an application program with printing capabilities; a computer interfaced to a postage scale/ meter and a printer; a strip adapted for use with a computer driven printer; and a

postage meter with the responsibility of printing postage on a sheet. Office Action page 2.

However, the Office Action fails to identify any portion of *Block* which discloses the substantially *simultaneous* printing of a plurality of postage meter stamps.

In contrast to the recited substantially simultaneous printing of meter stamps, *Block* teaches printing labels *consecutively*. For example, *Block* expressly teaches that “following printing of the integrated field of labels for the item to be mailed, the labels are separated and applied to the item to be mailed” Col. 5, lines 22-31. Accordingly, *Block* teaches that address, weight, and class data are provided to the computer for processing and that the data is then sent to the printer which prints labels associated with the item to be mailed. Col. 5, line 33, through col. 6, line 12, and Figure 4. Thereafter, the labels are separated and applied to the item to be mailed. Col. 5, lines 23-24. If the user wishes to mail additional packages, the foregoing steps are repeated, thereby clearly and expressly setting forth consecutive label printing requiring sufficient temporal delay to preclude an interpretation of substantially simultaneous label printing. As a result, *Block* does not anticipate claim 1, or the claims dependent therefrom, under 35 U.S.C. § 102. Moreover, *Block* would require substantial and unsuggested modification in order to meet the limitations of the claim.

Furthermore, because *Block*’s invention is intended to prevent affixing the wrong label to the wrong package, *Block* teaches printing and affixing sheet 301 before printing a subsequent sheet. Col. 3, lines 42-45. Applicant therefore asserts that *Block* thereby teaches away from *simultaneously* printing a plurality of meter stamps. As it is improper to modify a reference for an assertion of obviousness where the reference teaches away from the proposed modification, Applicant further asserts that claim 1 and the claims dependent therefrom are not obvious under 35 U.S.C. § 103 in view of *Block*. M.P.E.P. § 2145.X.D.

D. Dependent Claims 2-6, 8-10, and 17-19

Claims 2-6, 8-10, and 17-19 ultimately depend from independent claim 1, and thus inherit all limitations therein. Thus, for at least the reasons advanced above in addressing the anticipation rejection of claim 1, each of claims 2-6, 8-10, and 17-19 set forth features and limitations which are not anticipated by *Block*. Therefore, Applicant respectfully asserts that claim 2-6, 8-10, and 17-19 are also patentable over the 35 U.S.C. § 102 rejections of record. Furthermore, the dependent claims teach further limitations not taught by *Block*.

For example, *Block* fails to disclose the additional limitations in claims 3 and 4 which require the postage indicia include “a date by which an item bearing said postage meter stamp must be posted” or “a location from which an item bearing said postage meter stamp is to be posted.” The Office Action claims column 4, line 58-column 5, line 5 teaches the postage indicia label including the date and state from which the mail item is mailed. Office Action page 3. However, the cited lines do not disclose the inclusion of a date or state. Furthermore, while FIGURE 3A shows a date and a state on postage indicia label 305, *Block* fails to disclose what the date and state reference. Therefore, because *Block* fails to specifically teach label 305 as including a date or location from which the item bearing the meter stamp must be mailed, Applicant respectfully asserts claims 3 and 4 are patentable over the rejections of record.

Likewise, *Block* fails to suggest the additional limitations in claims 9 and 10 which require “said postage meter stamps includes a unique identification of said postage storage device.” The Office Action suggests *Block*’s bar code discloses this limitation because bar codes are “widely used as a unique identifier because it hold[s] all related information, such as destination, recipient, and locations.” Office Action page 3. However, because bar codes

are used to represent such a wide variety of information, *Block*'s bar code does not specifically disclose including a unique identification of a postage meter storage device. As a result, because *Block* fails to teach all the limitations of claims 9 and 10, Applicant respectfully asserts claims 9 and 10 are patentable over the 35 U.S.C. § 102 rejections of record.

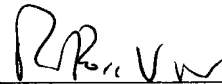
V. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P004CP1CP1C1/10106025 from which the undersigned is authorized to draw.

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Respectfully submitted,

By  _____

R. Ross Viguet

Registration No.: 42,203

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8185

(214) 855-8200 (Fax)

Attorney for Applicant